

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 533 of 2002

this the ~~22nd~~ day of November 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Nepal Singh Jadon, son of Shri U.S. Jadon,
Aged about 40 years, Occupation Senior
Library & Information Assistant, Indian Institute
Of Forest Management, resident of C-1 Vanika,
IIFM Colony, Kotrasultanabad, Bhopal. Applicant

(By Advocate – Shri Sandeep Ganguly)

V e r s u s

1. Union of India, through Secretary,
Ministry of Environment and Forest,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi.
2. Chairman/Secretary, Board of Governor
(BOG), Indian Institute of Forest Management,
CGO Complex, Lodhi Road, New Delhi.
3. Director, Indian Institute of Forest
Management, Nehru Nagar, Bhopal-3. Respondents

(By Advocate – Shri S.P. Singh)

O R D E R

By Madan Mohan, Judicial Member –

By filing this Original Application the applicant has claimed the following main relief .

“i) to direct the respondent to provide the pay scale of Rs. 6500-10500/- to the applicant as it recommended by the CCS (Revised Pay) Rules, 1997 from the date of implementation.”

2. The brief facts of the case are that the applicant was appointed as a Library Assistant in the pay scale of Rs. 1400-2300/-. He was promoted



on adhoc basis on the post of Professional Assistant in the pay scale of Rs. 1640-2900/- and was confirmed on 19.12.1996 on the said post with effect from 10.5.1993. By the order of the Ministry of Environment and Forest re-designation from the post of Professional Assistant to Senior Library and Information Assistant was made in the year 1996 in the pay scale of Rs. 5500-9000/-. The applicant was withdrawing the pay scale of Rs. 5500-9000/- prior to CCS (Revised) Pay Rules, 1997. By the aforesaid order the employees of the Zoological Survey of India are already benefited and drawing the scale as per the above revised rule and is getting the higher scale. The applicant has submitted number of representations to the authorities but no sincere or proper response was given by the authorities. Without providing the Central Pay Commission (Revised Pay) Rules, 1997 to the applicant, the respondents has taken the adverse steps of merging the posts of Library and Information Assistant and Senior Library Information Assistant in the pay scale of Rs. 5500-9000/-, benefiting the junior employees to the applicant vide order dated 14.6.2002. By virtue of this order the junior to the applicant has got equal status of drawing the pay scale of Rs. 5500-9000/-. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that the Zoological Survey of India is a sister concern of the Ministry of Environment & Forest and the Indian Institute of Management (Forest) is also governed by the same rules as followed by the Zoological Survey of India and allowing the recommendations of the CCS (Revised Pay) Rules, 1997 to the employee of the Zoological Survey of India and not to the employee of the Indian Institute of Forest Management is arbitrary and against the mandatory provisions of law. By the impugned order dated 14.6.2002 the juniors to the applicant will draw the same pay scale equal to the pay scale of the



applicant, which is not at all proper. The respondents have taken the adverse steps of merging the posts of Library and Information Assistant and Senior Library Information Assistant in the pay scale of Rs. 5500-9000/-, allowing the juniors of the applicant to be benefited the pay scale of Rs. 5500-9000/-. Hence, the applicant is entitled for the reliefs claimed by him.

5. In reply the learned counsel for the respondents argued that the applicant is not entitled for any relief as the said relief has not been extended to any employee of the Department and also the similarly sister concern Department i.e. the Zoological Survey of India. The benefit of Vth Pay Commission was extended to the employees of the Zoological Survey of India by order dated 14.5.1998 and the same has already been withdrawn by order dated 27th December, 2000. The pay scale which the applicant is enjoying i.e. of Rs. 5500-9000/- has also been sanctioned to the Department of Zoological Survey of India. He further argued that after passing of the impugned order dated 14.6.2002 the applicant is not getting less pay than his junior those who were working on the same post and on the same pay scale. Thus, the impugned order does not cause any harm to the applicant and his junior is also not getting higher pay than the applicant. The applicant is claiming higher pay scale of Rs. 6500-10500/- on the basis of Annexure A-4 dated 4th May 1998. This letter is already been withdrawn by the Department. Therefore the applicant is not entitled for the said benefit of the higher pay scale. He also argued that the Hon'ble Supreme Court in the case of Union of India & Anr. Vs. P.V. Hariharan & Anr., (1997) 3 SCC 568 has held that the Tribunal and Courts should not normally interfere in the cases of fixation of pay and granting of higher pay scales. Thus this OA has no merit and is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, we find that the respondents have




denied the fact that the relief claimed by the applicant in the present OA has been granted to any other employee of the respondents Department as also the similarly sister concern Department i.e. the Zoological Survey of India. We also find that the benefit of the recommendations of the Vth Pay Commission was extended to the employees of the Zoological Survey of India vide order dated 14.5.1998 but the same has been withdrawn by the order dated 27th December, 2000. Thus, the applicant is not entitled for the said benefit of higher pay scale which is already withdrawn. We have perused Annexure R-1 dated 27.12.2000 which supports the contention of the respondents that the said benefit was withdrawn by this letter. We have also perused the impugned order dated 14.6.2002 (Annexure A-7) about merging the existing posts of Library and Information Assistant & Sr. Library Information Assistant which are presently in the respective pay scales of Rs. 5000-8000/- and Rs. 5500-9000/-. In this order it is also mentioned that the incumbents of these posts would consequently be eligible for promotion to the post of Assistant Library Information Officer whose pay scales remain unchanged. Now this order is not in existence as the same has been withdrawn by the order 27th December, 2000 (Annexure R-1). We have also perused the ruling cited by the respondents in the case of P.V. Hariharan (supra). The Hon'ble Supreme Court has observed as under :

"5. We noticed that quite often the Tribunals are interfering with pay scales without proper reasons and without being conscious of the fact that fixation of pay is not their function. It is the function of the Government which normally acts on the recommendations of a Pay Commission. Change of pay scale of a category has a cascading effect. Several other categories similarly situated as well as those situated above and below, put forward their claims on the basis of such change. The Tribunal should realize that interfering with the prescribed pay scales is a serious matter. The Pay Commission which goes into the problem at great depth and happens to have a full picture before is the proper authority to decide upon this issue. Very often, the doctrine of "equal pay for equal work" is also being misunderstood and misapplied freely revising and enhancing the pay scales across the board. We hope and trust that the Tribunals will exercise due restraint in the matter. Unless a clear case of hostile discrimination



is made out, there would be no justification for interfering with the fixation of pay scales.....”

7. Considering all the facts and circumstances of the case we are of the considered view that this Original Application is liable to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

“SA”


पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

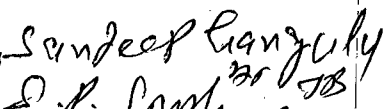
प्रतिनिधि अवधि दिनांक:-

- (1) सचिव, उच्च न्यायालय, जबलपुर
- (2) अध्यक्ष, न्यायिक सेवा आयोग, जबलपुर
- (3) प्रमुख, न्यायिक सेवा आयोग, जबलपुर
- (4) सचिव, न्यायिक सेवा आयोग, जबलपुर

सूचना एवं आचार्यता कार्यवाही हेतु

रजिस्ट्रार


28/11/05


Sandeep Ranjuly
P. Singh
28/11/05